

1987 MAR 17 PM 2:35
HOUSE OF REPRESENTATIVES

certify that the attached is a true and
correct copy of HB 1060, which
was filed of record on MAR 2 1987
and referred to the committee on:

Human Services

Barry Murray
Chief Clerk of the House

FILED MAR 2 1987

By

Alperin

H.B. No. 1060

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a pilot program to lease space for
child-care services for children of state employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the State Purchasing and General
Services Commission.

(2) "Preschool children" means children under the age of
seven years who are not enrolled in a public or private school on a
full-day basis.

(3) "State agency" means:

(A) any department, commission, board, office, or other
agency in the executive branch of state government created by the
constitution or a statute of this state;

(B) the Supreme Court of Texas, the Texas Court of Criminal
Appeals, a court of appeals, or the Texas Judicial Council; or

(C) a university system or an institution of higher
education as defined by Section 61.003, Education Code, other than
a public junior college.

SECTION 2. PILOT PROGRAM. (a) The commission shall
establish a pilot program in which space is leased by the state to
private tenants to provide child-care services to state employees
with preschool children.

(b) The commission shall adopt rules to implement the pilot

1 program.

2 SECTION 3. SELECTION OF BUILDINGS. (a) The commission
3 shall select five cities with a population of 300,000 or more,
4 according to the most recent federal census, in which to establish
5 the pilot program. In the cities chosen, the commission shall
6 select buildings for the pilot program in which at least 50
7 employees who wish to participate in the program work.

8 (b) The commission shall select three counties with a
9 population of less than 100,000, according to the most recent
10 federal census, in which to establish the pilot program. In the
11 counties chosen, the commission shall select buildings for the
12 pilot program in which at least 20 employees who wish to
13 participate in the program work.

14 (c) The commission may choose from buildings that are state
15 owned and buildings, or portions of buildings, leased by the state
16 under a lease that permits sublease of the premises.

17 SECTION 4. LEASE. (a) For each building selected for the
18 program, the agency that controls the building may:

19 (1) negotiate a lease;

20 (2) direct the state agency that occupies the building to
21 negotiate a lease; or

22 (3) select a tenant through a competitive bidding process.

23 (b) An agency shall select a tenant on the bases of the
24 amount to be paid under the lease, the quality of the tenant's
25 child-care services, and the cost of the services to the state
26 employees.

27 (c) The commission shall adopt rules that specify provisions

1 that must be included in a lease and provisions that may not be
2 included in a lease.

3 (d) The agency that controls a building selected for the
4 program shall execute the lease.

5 SECTION 5. LICENSE. If a tenant is operating a child-care
6 facility licensed under Chapter 42, Human Resources Code, at the
7 time the lease is executed, the tenant is not required to obtain an
8 additional license to operate under this Act. If the tenant is not
9 licensed before the lease is executed, the tenant must obtain a
10 license under that chapter to operate under this Act.

11 SECTION 6. REPORTS. (a) Not later than October 31, 1988,
12 each state agency with access to child-care services through the
13 pilot program under a lease executed by another state agency shall
14 submit to the state agency that executed the lease a report
15 evaluating the pilot program. The report shall include information
16 relating to the number of employees participating, the number of
17 children participating, and the quality of the child-care services.

18 (b) Not later than November 30, 1988, each state agency,
19 other than the commission, that executes a lease in the pilot
20 program shall submit a report to the commission evaluating the
21 pilot program. The report shall include information relating to
22 the terms of the lease, the number of employees participating, the
23 number of children participating, and the quality of the child-care
24 services.

25 (c) Not later than December 31, 1988, the commission shall
26 submit a report to the governor, lieutenant governor, and speaker
27 of the house of representatives evaluating the pilot program. The

1 report shall include information regarding the terms of the leases
2 executed, the number of employees participating, the number of
3 children participating, the quality of the child-care services, and
4 the degree of need for child-care services in other state office
5 buildings.

6 SECTION 7. EFFECTIVE DATE; EXPIRATION DATE. This Act takes
7 effect September 1, 1987, and expires on September 1, 1989.

8 SECTION 8. EMERGENCY. The importance of this legislation
9 and the crowded condition of the calendars in both houses create an
10 emergency and an imperative public necessity that the
11 constitutional rule requiring bills to be read on three several
12 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1st Printing

By Price

H.B. No. 1060

Substitute the following for H.B. No. 1060:

By Grusendorf

C.S.H.B. No. 1060

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a task force to study options for the provision of child-care services to state employees and to establish a pilot program to lease space for child-care services for children of state employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Commission" means the State Purchasing and General Services Commission.

(2) "Preschool children" means children under the age of seven years who are not enrolled in a public or private school on a full-day basis.

(3) "State agency" means:

(A) any department, commission, board, office, or other agency in the executive branch of state government created by the constitution or a statute of this state;

(B) the Supreme Court of Texas, the Texas Court of Criminal Appeals, a court of appeals, or the Texas Judicial Council; or

(C) a university system or an institution of higher education as defined by Section 61.003, Education Code, other than a public junior college.

(4) "Tenant" means a private child-care firm which leases space from the state for the purpose of providing child-care services at that location.

1 SECTION 2. TASK FORCE. (a) A task force to study options
2 for the provision of child-care services to state employees is
3 established. The task force consists of:

4 (1) the executive director of the Texas Health and Human
5 Services Coordinating Council or the executive director's designee;

6 (2) one representative from each of the following state
7 agencies, appointed by the executive director or commissioner of
8 each respective agency:

9 (A) the Texas Department of Health;

10 (B) the Texas Department of Human Services;

11 (C) the Texas Department of Mental Health and Mental
12 Retardation;

13 (D) the State Purchasing and General Services Commission;

14 and

15 (E) the State Commission for the Blind;

16 (3) a representative of The University of Texas Bureau of
17 Business Research, appointed by the chairman of the bureau;

18 (4) a representative of The University of Texas Department
19 of Education Early Childhood Development Program, appointed by the
20 chairman of the department;

21 (5) a representative of the Texas Association for the
22 Education of Young Children, appointed by the president of the
23 association; and

24 (6) a state employee who uses child-care services, appointed
25 by the governor.

26 (b) The task force shall meet at the call of the chairman
27 who shall be named by the governor.

1 (c) If needed in the discharge of its duties, the task force
2 may request the assistance of a state agency, and the state agency
3 shall assist the committee when requested to do so.

4 (d) The task force may seek and accept outside sources of
5 funding.

6 SECTION 3. STUDY. (a) The task force may study and report
7 to the legislature the feasibility of providing to state employees:

8 (1) different types of child care, including child care:

9 (A) on or adjacent to the work site;

10 (B) for moderately ill children;

11 (C) for handicapped children;

12 (D) during school vacations;

13 (E) after school hours; and

14 (F) during flexible work hours;

15 (2) referral services to child-care providers;

16 (3) nontaxable compensation through direct payment to
17 child-care providers to the extent allowed under federal law;

18 (4) other child-care tax incentives to the extent allowed
19 under federal law; and

20 (5) other child-care benefits.

21 (b) The cost of the study shall be paid by the agencies
22 represented on the task force.

23 SECTION 4. PILOT PROGRAM. (a) The task force shall design
24 and establish a pilot program in which space is leased by the state
25 to private tenants to provide child-care services to state
26 employees with preschool children.

27 (b) The task force shall adopt rules and a timetable to

1 implement and complete the pilot program. The task force shall
2 base the timetable on the commission's leasing schedule and the
3 effective dates of this Act.

4 (c) Each employee participating in the pilot program shall
5 pay the expenses of providing child-care services for that
6 employee's children directly to the tenant.

7 (d) The task force shall select not more than three cities
8 with a population of 300,000 or more, according to the most recent
9 federal census, in which to establish the pilot program. The
10 commission shall recommend one or more buildings in each of those
11 cities in which to locate the pilot program. The buildings must be
12 within one mile of buildings in which at least 50 state employees
13 who wish to participate in the program work.

14 (e) The task force shall select not more than two counties
15 with a population of less than 100,000, according to the most
16 recent federal census, in which to establish the pilot program.
17 The commission shall select one or more buildings in each of those
18 counties in which to locate the pilot program. The buildings must
19 be within one mile of buildings in which at least 20 state
20 employees who wish to participate in the program work.

21 (f) The task force may choose:

22 (1) buildings that are state owned;

23 (2) buildings, or portions of buildings, that are leased by
24 the state under a lease that permits sublease of the premises; or

25 (3) buildings that the state may lease and sublease provided
26 this causes no cost or risk to the state.

27 SECTION 5. LEASE. (a) For each building selected for the

1 program, the agency that controls the building may:

2 (1) negotiate a lease;

3 (2) direct the state agency that occupies the building to
4 negotiate a lease; or

5 (3) select a tenant through a competitive bidding process.

6 (b) An agency shall select a tenant on the basis of the
7 amount to be paid under the lease, the quality of the tenant's
8 child-care services, and the cost of the services to the state
9 employees.

10 (c) The task force shall recommend standards for leases
11 under this section to the commission that are based on:

12 (1) child-care regulations adopted by the Texas Department
13 of Human Services;

14 (2) the requirements of the pilot program; and

15 (3) the needs of the task force in conducting the study
16 provided by this Act.

17 (d) The commission shall adopt rules that specify provisions
18 that must be included in a lease and provisions that may not be
19 included in a lease. The rules shall be based on the
20 recommendations of the task force and this Act.

21 (e) The agency that controls a building selected for the
22 program shall execute the lease.

23 (f) Leases negotiated and tenants selected under this
24 section are subject to the approval of the task force and the State
25 Purchasing and General Services Commission.

26 (g) Lease rates shall reflect market rates and shall in no
27 event be less than the rate paid by the state if the state leases

1 other space in the city.

2 SECTION 6. LICENSE. A tenant must obtain a license under
3 Chapter 42, Human Resources Code, to operate a child-care facility
4 under this Act.

5 SECTION 7. REPORTS. (a) Not later than October 31, 1990,
6 each state agency with access to child-care services through the
7 pilot program shall submit to the task force a report evaluating
8 the pilot program. The report must include information relating
9 to:

- 10 (1) the number of employees participating;
- 11 (2) the number of children participating;
- 12 (3) the quality of the child-care services; and
- 13 (4) how the pilot program affects:
 - 14 (A) employee absenteeism;
 - 15 (B) employee tardiness;
 - 16 (C) employee productivity; and
 - 17 (D) the length of maternity leave taken by employees.

18 (b) The task force shall make a complete report that
19 includes findings, recommendations, and drafts of proposed
20 legislation to the 72nd Legislature on the day it convenes in
21 January 1991. The task force shall file five copies of the
22 completed report with the Legislative Reference Library, five
23 copies with the Texas Legislative Council, two copies with the
24 chief clerk of the house, and two copies with the secretary of the
25 senate. Following official distribution of the task force report,
26 each remaining copy shall be deposited with the legislative
27 reference librarian.

1 (c) The task force shall distribute an executive summary of
2 the report to each member of the house and senate.

3 SECTION 8. EFFECTIVE DATE AND DEADLINES. This Act takes
4 effect September 1, 1987. Members of the task force must be
5 appointed not later than September 10, 1987. The task force shall
6 establish the pilot program required by this Act not later than
7 September 1, 1988.

8 SECTION 9. EXPIRATION DATE. This Act expires on September
9 1, 1991.

10 SECTION 10. EMERGENCY. The importance of this legislation
11 and the crowded condition of the calendars in both houses create an
12 emergency and an imperative public necessity that the
13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

4/28/87
(date)

Sir:

We, your COMMITTEE ON HUMAN SERVICES,

to whom was referred H.B. 1060 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

() do pass, without amendment.

() do pass, with amendment(s).

(☒) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☒) yes () no

An actuarial analysis was requested. () yes (☒) no

An author's fiscal statement was requested. () yes (☒) no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

This measure (☒) proposes new law. () amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Barton, Ch.	<input checked="" type="checkbox"/>			
Cooper, V.C.	<input checked="" type="checkbox"/>			
Vowell, C.B.O.	<input checked="" type="checkbox"/>			
Blair	<input checked="" type="checkbox"/>			
Cuellar, R.	<input checked="" type="checkbox"/>			
Earley	<input checked="" type="checkbox"/>			
Grusendorf				<input checked="" type="checkbox"/>
Larry	<input checked="" type="checkbox"/>			
Waterfield	<input checked="" type="checkbox"/>			

Total

8 aye

0 nay

0 present, not voting

1 absent

Erwin W. Barto
CHAIRMAN

Laura Colfer
COMMITTEE COORDINATOR

By: Price.

BILL ANALYSISBackground Information

In 1984 married women with children under the age of six represented 52% of the nation's labor force and the need for child-care has grown tremendously in recent years. Studies indicate that the availability of on-site or near-site child-care can have positive benefits in regard to employee morale and productivity.

Purpose of the Bill

H.B. 1060 would establish a pilot program to provide child-care services to state employees by leasing space in state buildings to private child-care operators.

Section by Section Analysis

SECTION 1. Definitions.

SECTION 2. Establishes a task force for the purposes of studying child-care options for state employees. Provides for who shall serve on the task force and for the selection of the chairman. Allows the task force to seek and accept outside sources of funding.

SECTION 3. Authorizes the task force to study options for child-care for state employees. Provides that the cost of a study shall be paid by the agencies represented on the task force.

SECTION 4. Requires the task force to design and establish a pilot program to lease space to private operators of child-care for providing child-care to state employees and to adopt rules to implement this program. Specifies some specific guidelines for the pilot program.

SECTION 5. Provides guidelines for the agency that controls the state building to enter into a lease with a provider of child-care.

SECTION 6. Requires that a tenant who is a provider of child-care must be licensed by the state as a child-care facility.

SECTION 7. Requires that each state agency involved in the pilot program must submit a report to the task force and lists specific information that the report must include. Further requires the task force to report its finding to the 72nd Legislature and to distribute an executive summary to Legislators.

SECTION 8. Effective Dates and deadlines.

SECTION 9. Expiration date.

SECTION 10. Emergency.

Rulemaking Authority

Section 4(b) requires the task force to adopt rules for the pilot program. Section 5(d) requires the State Purchasing and General Services Commission to adopt rules regarding the lease of space in state buildings.

Summary of Committee Action

Public notice was posted in accordance to the rules and a public hearing was held on April 1, 1987.

The bill was referred to a subcommittee consisting of the following members: Rep. R. Cuellar-Chair, Rep. Blair, Rep. Grusendorf. On April 14, the subcommittee met in a formal meeting and voted to report the measure as substituted.

On April 28, the full committee voted to report H.B. 1060 to the House as substituted with the recommendation that it do pass by a record vote of 8 ayes and 0 nays.

Testifying in favor of H.B. 1060 were the following witnesses:

Lane Zively, ex. dir., Texas Public Employees Association;
Wakie Martin, leg. coordinator, Texas State Employees Union;
Joe Frost, professor, early childhood education, U.T. Austin;
Jeaneen McMaster, leg. chair, Texas Women's Political Caucus.

There were no witnesses in opposition.

Comparison of Original Bill to Substitute

In the original bill the State Purchasing and General Services Commission was required to establish the pilot program and report. In the substitute this responsibility is given to a task force composed of members named in the substitute.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 11, 1987

TO: Honorable Erwin Barton, Chair
Committee on Human Services
House of Representatives
Austin, Texas

In Re: Committee Substitute for
House Bill No. 1060

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1060 (relating to the establishment of a pilot program to lease space for child-care services for children of state employees) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill creates a task force to study options for providing child-care services. The bill requires a task force to establish a pilot program for child services in three cities and two counties. Each employee participating in the pilot program shall pay the expenses of providing child-care services for that employee's children directly to a private tenant. The task force may study and report to the Legislature on the feasibility of providing child-care services to state employees.

Additional costs to the user agencies participating in the pilot program also would be anticipated but cannot be determined.

The probable cost of implementing the provisions of the bill during each of the first two years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1987</u>
1988	\$59,642	+2
1989	52,642	+2

No fiscal implication to units of local government is anticipated.

Source: State Purchasing and General Services Commission;
LBB Staff: JO, HES, JWH, RS, PH, LV

4

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 1, 1987

TO: Honorable Erwin Barton, Chair
Committee on Human Services
House of Representatives
Austin, Texas

In Re: House Bill No. 1060
By: Price

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1060 (relating to the establishment of a pilot program to lease space for child-care services for children of state employees) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would require the State Purchasing and General Services Commission (SPGSC) to establish a pilot program for child services in five cities and three counties. The services would be for state employees working in the buildings where the service would be located. The bill would require SPGSC to administer the new program.

Additional costs to the user agencies participating in the pilot program also would be anticipated but cannot be determined.

The probable cost of implementing the provisions of the bill during each of the first two years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1987</u>
1988	\$59,642	+2
1989	52,642	+2

No fiscal implication to units of local government is anticipated.

Source: State Purchasing and General Services Commission;
LBB Staff: JO, HES, JWH, RS, PH, LV

H. B. No. 1060

By Alperin

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a pilot program to lease space for child-care services for children of state employees.

MAR 2 1987

1. Filed with the Chief Clerk.

MAR 10 1987

2. Read first time and Referred to Committee on Human Services

APR 28 1987

3. Reported favorably ^(as amended) and sent to Printer at 10:30am
_(as substituted)

MAY 15 1987

4. Printed and distributed at 4:45 pm

MAY 11 1987

MAY 18 1987

5. Sent to Committee on Calendars at 9:41am

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

04 4 11 11 2011